

**DELTA PROTECTION COMMISSION**

14215 RIVER ROAD  
P.O. BOX 530  
WALNUT GROVE, CA 95690  
PHONE: (916) 776-2290  
FAX: (916) 776-2293



September 13, 1996

**TO: DELTA PROTECTION COMMISSION**

**FROM: STAFF**

**RE: LEGISLATIVE UPDATE**  
**(For Commission Information Only)**

---

This memorandum reflects legislation as of September 9, 1996. An update will be presented at the meeting.

The following bills were of special interest to the Commission.

**AB 122/ACA 12: Rainey: Vessel Renewal Fees.**

This bill, sponsored by Contra Costa County, would require that 20% of the funds from taxes on vessel fuels and vessel registration fees be available to the Department of Boating and Waterways for allocation to each county for boating safety programs, based on the county's pro-rata share of the total statewide boat registrations. AB 122 would become operative only if Assembly Constitutional Amendment 12 (ACA 12) is approved by the voters. ACA 12 would establish the Harbors and Watercraft Fund.

**UPDATE:** To enrollment on August 30, 1996.

**AB 360: Hannigan: Delta Levee Maintenance Reimbursement.**

This bill would continue the existing Delta levees subventions program until 2006. The bill authorizes eligible local agencies be reimbursed for costs incurred in any year for maintenance activities that include benefits to the Sacramento-San Joaquin Delta and the state by providing habitat restoration. The bill will only go into effect if Prop 204/SB900 is approved by the voters.

**UPDATE:** To enrollment on August 30, 1996.

**SB 205: Kelley: WASTE DISCHARGE REQUIREMENTS: SEWAGE SLUDGE: WAIVER.**

SB 205 authorizes the State's nine regional water quality control boards to issue general waste discharge permits for the disposal of non-hazardous Class A sewage sludge, or biosolids, at agronomic rates to agricultural lands. Existing law requires a new permit for each parcel upon which biosolids are being spread, regardless of the source of the biosolids. SB 205 allows the regional boards to waive the requirement for the new permit if it is satisfied that the source of the material has been tested and found to be non-hazardous. This general permit practice is currently being developed by the Central Valley Regional Water Quality Board.

**UPDATE:** Passed by Assembly and Senate. Approved by the Governor on October 4, 1995. Chapter 613 of Statutes of 1995.

**SB 1673, Johnston and Boatwright: Delta Protection Commission.**

This bill would extend the authorized existence of the Delta Protection Commission to January 1, 1999 and allow for periodic meetings to be held less often than monthly, or at least bi-monthly.

**UPDATE:** To enrollment on August 22, 1996.

**1. ENVIRONMENT.**

**AB 137, Olberg: Endangered and Threatened Species.**

Provides that after January 1, 1996, species may not be added to the lists of endangered or threatened species except by statute. The bill also requires that a cost-benefit analysis (economic assessment report) be prepared, and that a species will not be put on a list unless that report shows the benefits of listing the species outweighs the costs of protecting the species.

**UPDATE:** To enrollment on August 31, 1996.

**AB 298, Rainey: Environmental Quality.**

Authorizes that a master environmental impact report be prepared for a regional plan prepared pursuant to state law. The bill requires a lead agency to follow prescribed procedures in obtaining review and approval from a state or local agency of the project, a mitigation plan, or other document. The bill also requires the state or local agency to comply with specified requirements in that review and approval process.

**UPDATE:** To enrollment on August 31, 1996.

**AB 350, Bustamante: Endangered Species**

Requires the Fish and Game Commission, in determining to list a species, to consider the range of the species and identify potential sources of funding to carry out all recommendations and suggestions. The bill would require the Fish and Game Commission to issue a report on the costs of listing and delisting species. The bill also authorizes the Commission to consider federal listing of the species as an alternative to State listing.

**UPDATE:** To enrollment on August 31, 1996.

**AB 428, Olberg: Endangered Species.**

Prior to a species being listed, the Fish and Game Commission must accept a petition for the consideration of the species as threatened. Owners of land which may provide habitat for such species will be prohibited, once that species is listed, from using their land in a manner which will adversely affect the existence of such species. This bill would require that land will be excluded from such a requirement if the species to be listed is not observed during the petition's period of review.

**UPDATE:** Died in Assembly Committee on Jan 31, 1996.

**AB 450, Hauser: Creosote Structures.**

AB 450 would authorize a person to retain and maintain certain structures treated with creosote that are in whole or in part treated with creosote that are in contact with waters of the state if the structure was in existence on January 1, 1996, under specified conditions. This bill would allow a person to proceed with the installation of certain new or replacement structures treated with creosote that are in contact with waters of the state if all applicable permits have been approved by January 1, 1996, under specified conditions.

**UPDATE:** Senate committee hearing cancelled at request of author on July 5, 1995.

**AB 468, Vasconcellos: Environmental Regulatory Process: computer technology.**

Requires the California Environmental Protection Agency to consult with private industry associations with regard to improving the environmental protection regulatory compliance process, including through the use of computer technology (rather than just consulting with governmental agencies).

**UPDATE:** Senate committee hearing cancelled at request of author on July 5, 1996.

**AB 1332, Sweeney: Environmental Quality: public water systems.**

Requires that under the California Environmental Quality Act, a lead agency must consult with a public water system that may be affected by a proposed project. The lead agency must obtain specific information from the public water system, for example, information regarding the public water system's ability to provide water to the proposed project, existing uses, and reasonably foreseeable future projects.

UPDATE: To inactive file pursuant to Senate Rule 29 on August 30, 1996.

**AB 1402, House: Endangered Species: compensation to property owners.**

Requires the Department of Fish and Game to compensate owners of property damaged or destroyed by protected species, including rare, threatened, or endangered species.

UPDATE: Died in Assembly Committee on January 31, 1996.

**AB 1630, Olberg: Environmental Filing Fees: exemption.**

This bill would exempt applicants from paying environmental filing fees to the Department of Fish and Game when projects are located within the boundaries of a habitat conservation plan or natural community conservation plan.

UPDATE: Passed by the Assembly; on its second reading in the Senate. Third and final hearing cancelled on June 25, 1996.

**AB 2037, Frusetta: Streambed alterations.**

This bill would exempt emergency repairs from requirements for the Fish and Game permits 1601 and 1603.

UPDATE: Hearing postponed in Appropriations Committee on August 5, 1996.

**AB 2193, Rainey: Control of *Egeria densa*.**

This bill would identify the Department of Boating and Waterways as the lead agency in controlling the aquatic weed, *Egeria densa*, in the Delta, its tributaries and the Suisun marsh; would require DBW to secure the concurrence of the Contra Costa Water District for any weed control in Rock Slough.

UPDATE: To enrollment on August 30, 1996.

**SB 123, Thompson: Fish and Game Violations.**

This bill makes changes in the Fish and Game Code regarding the punishment and charges of taking and selling of animals listed in the Code. [Currently the code makes it a felony to take or sell any fish, bird, mammal, and etc; this bill changes that charge to a misdemeanor.]

**UPDATE:** Passed by the Assembly and Senate. Approved by the Governor on October 12, 1995. Chapter 827 of Statutes of 1995.

**SB 200, Maddy: Environmental Permits.**

Creates the Office of Permit Oversight (OPO) in the California Environmental Protection Agency. The OPO must monitor and, if requested by a permit applicant, to intercede in the processing of permit applications for environmental permits by state and local agencies. This bill would also create the Environmental Permit Oversight Fund which specified fee revenue will be deposited into and shall be available to the OPO for administrative costs.

**UPDATE:** Returned to the Secretary of the Senate pursuant to Joint Rule 56 on February 1, 1996.

**SB 739, Polanco: Environmental Regulations.**

Requires the California Protection Agency, prior to adopting any regulation that is more stringent than Federal regulations, to determine that there is sufficient evidence demonstrating that the more stringent regulation is necessary to protect public health and safety, or the environment, from reasonably anticipated adverse effects, and is cost-effective.

**UPDATE:** Returned to the Secretary of the Senate pursuant to Joint Rule 56 on February 1, 1996.

**SB 883, Hayden: Endangered Species Act.**

This bill would expand the definition of "take" as it applies to the Endangered Species Act to include the degradation of wildlife habitat.

**UPDATE:** Returned to the Secretary of the Senate pursuant to Joint Rule 56 on February 1, 1996.

**SB 1120, Costa: Endangered Species.**

Prohibits penalizing the accidental take of candidate, threatened, or endangered species resulting from inadvertent or negligent acts that occur in the ordinary course of otherwise lawful activities.

**UPDATE:** In Senate. To unfinished business. Re-referred to Committee on Natural Resources and Wildlife on August 31, 1996.

**SB 1177, Killea: Endangered Species.**

Authorizes the Department of Fish and Game to issue permits for the take of threatened, endangered, and candidate species under specified conditions. The bill would authorize judicial review of any finding by the Fish and Game commission.

**UPDATE:** Failed passage in Assembly committee on August 26, 1996.

**SB 1255, Senate Natural Resources and Wildlife Committee: Salmon.**

Requires the Fish and Game Commission to report to the Legislature on or before July 1, 1995 on the Commission's policy regarding the natural production of salmon.

**UPDATE:** Failed passage in Appropriations Committee on August 26, 1996.

**3. LAND USE.**

**AB 96, Hannigan: Development Projects: financing infrastructure.**

Prohibits a public agency from approving a development project unless a demonstrable method exists for financing the necessary roads, schools, water, and sewer facilities, and other public facilities and services. [Public agency includes any state, city, or county agency.]

**UPDATE:** No further action pursuant to Joint Rule 62 on June 14, 1996.

**AB 1287, Cortese: Environmental Subdivisions: creation.**

The bill would create a new category, known as an environmental subdivision, to be regulated pursuant to the Subdivision Map Act. The bill would define an environmental subdivision as "identified environmentally sensitive land of at least 20 acres, which is divided into parcels, and which is permanently reserved for the exclusive purpose of providing open space land to serve as biological mitigation for impacts to the environment, or to preserve sensitive habitat in fee ownership rather than with a conservation easement." The bill would provide that minimum lot area requirements established by local zoning codes and general plans shall not apply to the creation of individual parcels of an environmental subdivision.

**UPDATE:** Passed by the Assembly and Senate. Approved by the Governor on October 16, 1995. Chapter 955 of Statutes of 1995.

**AB 1320, Olberg: Protection of Private Property Rights.**

This bill is intended to protect the ownership and use of private property against regulatory taking by state agencies. It requires state agencies to complete private property taking impact analysis before commencing any regulatory action that could result in diminished use or value of private property; it creates a cause of action against the state if any regulatory action infringes on the rights of property owners; and creates within the Resources Agency, the Real Property Ombudsman to represent the rights of property owners.

**UPDATE:** Died in Assembly Committee on January 31, 1996.

**SB 73, Johannessen: Sacramento River Valley Riparian Lands Commission.**

This bill creates within the Resources Agency a Sacramento River Valley Riparian Lands Commission. The bill authorizes the Commission to acquire and manage riparian lands and conservation easements in the Sacramento River Valley corridor. The Commission would be required to integrate flood control into the management of those lands and easements.

**UPDATE:** Returned to the Secretary of the Senate pursuant to Joint Rule 56 on February 1, 1996.

**SB 190, Costa: San Joaquin River Conservancy: grants: real property.**

The bill authorizes the San Joaquin River Conservancy to award grants to public agencies and nonprofit organizations for the purposes of the act, and, to nonprofit organizations for the acquisition of real property.

**UPDATE:** Passed by the Senate and Assembly. Approved by the Governor on October 4, 1995. Chapter 610 of Statutes of 1995.

**SB 275, Costa: Agricultural Land Conservation.**

The bill would enact the Agricultural Land Stewardship Program Act of 1995. The Act would establish a program for grants from the Department of Conservation to local governments and nonprofit organizations, for the acquisition of agricultural conservation easements. The bill would create the Agricultural Land Stewardship Program Fund consisting of money deposited from specified sources to be available for the program.

**UPDATE:** Passed by the Senate and Assembly. Approved by the Governor on October 14, 1995. Chapter 931 of Statutes of 1995.

**SB 333, Campbell: Land Use: development agreements.**

This bill requires that any action attacking or setting aside the decision of a city or county to adopt a development agreement be filed in a court within 30 days after the adoption of the ordinance approving the development agreement.

**UPDATE:** Passed by the Assembly and Senate. Approved by the Governor on August 1, 1995. Chapter 253 of Statutes of 1995.

**SB 635, Haynes: Property and Homeowner Protection Act.**

The bill enacts the Property and Homeowner Protection Act, which includes findings and declarations of the Legislature relating to the rights of property owners. The bill requires that whenever implementation of a regulatory program by the state or a political subdivision denies a landowner a permitted use of his or her land, the landowner must be compensated. The bill would limit the authority of a public agency to regulate land use, and requires public agencies to review impacts of all proposed regulatory actions' on the rights of affected property owners.

**UPDATE:** Returned to the Secretary of the Senate pursuant to Joint Rule 56 on February 1, 1996.

**SB 1280, O'Connell: Land and Water Conservation Act.**

This bill enacts the Land and Water Conservation Act which would allow the Secretary of the Resources Agency to implement a program where property or interests in property may be donated to the state, local governments, or to any nonprofit organization to provide for the conservation of land and water according to certain specifications in the Act. The Act allows for purchasers and sellers of such land that is donated to receive tax credits.

**UPDATE:** Placed on inactive file pursuant to Assembly Rule 78 on August 21, 1996.



#### **4. AGRICULTURE.**

##### **AB 188, Machado: Tax Credit for Irrigation Equipment.**

This bill authorizes that landowners of multiple parcels zoned in agriculture or timber and which only have a combined total of one dwelling unit on those parcels, be treated as a single assessment unit for the purpose of imposing a special tax levied on a per parcel basis.

**UPDATE:** To enrollment on August 30, 1996.

##### **AB 389, Cannella: Agriculture: environmental farming.**

The bill would require the Department of Food and Agriculture to establish and oversee an environmental farming program, which would be voluntary and would provide incentives to promote environmental farming throughout California. Environmental farming is defined as "agricultural practices that are proven to benefit habitat, air quality, water systems, and wildlife." The incentives provided by the department may include tax credits and waivers of regulatory fees or inspections.

**UPDATE:** Passed by the Assembly and Senate. Approved by the Governor on October 14, 1995. Chapter 928 of Statutes of 1995.

##### **AB 939, Cortese: California Wine Industry.**

This bill authorizes the Assembly Select Committee on Wine Production and Economy to enter into and sponsor a dialogue with wine grape growers, vintners, the University of California, and the California State University to explore the concept of a partnership between state government and the wine industry for the purpose of maximizing research funding to ensure the long-term health and competitive position of the California wine and grape industries.

**UPDATE:** To enrollment on August 31, 1996.

##### **AB 1022, Aguiar: Williamson Act: contracts and cancellation fees.**

This bill would require the county assessor to determine the property owner's cancellation fee by certifying the fair market value of the land as though it were free of the Williamson Act contractual restriction.

**UPDATE:** Died in Assembly Committee on January 31, 1996.

**SB 175, Maddy: District Agricultural Associations.**

This bill would permit the formation of district agricultural associations for the purpose of exhibiting and promoting agricultural industries, industrial enterprises, resources, and products of the state. [Current law does not authorize associations to promote the enterprises, industries, etc.]

**UPDATE:** In Senate. To unfinished business on August 29, 1996.

**SB 673, Costa: Farm Labor Contractors.**

This bill deletes the requirement that the Labor Commissioner conduct an investigation before making a finding as to the satisfactory character, competency, and responsibility of the person applying for a farm labor contractor's license.

**UPDATE:** Returned to the Secretary of the Senate pursuant to Joint Rule 56 on February 1, 1996.

**SB 831, Costa: California Tomato Commission.**

This bill would create the California Tomato Commission in state government. The Commission would be authorized to carry out programs of education, promotion, marketing, and research relating to tomatoes. The bill authorizes the Commission to levy an assessment on producers and handlers of tomatoes, and authorizes the expenditure of those funds for purposes of carrying out the bill. The bill would not become operative without the approval vote of the producers and handlers of tomatoes.

**UPDATE:** Passed by Assembly and Senate. Approved by the Governor on July 30, 1995. Chapter 210 of Statutes of 1995.

**5. WATER.**

**AB 120, Katz: Water Transfers.**

This bill provides that, upon the termination or completion of a water transfer agreement, the rights to the water returns to the original possessor.

**UPDATE:** Died in Assembly Committee on January 31, 1996.

**AB 584, Rainey: General Plans: water planning information.**

This bill requires cities and counties, upon the next revision of their general plan following January 1, 1996, to consider and include in the administrative record, information relating to water supply availability, provided that this information is available. [NOTE: AB 1005, Cortese and SB 901, Costa are very similar to this legislation.]

UPDATE: Hearing canceled at request of author in committee on June 19, 1996.

**AB 619, Bustamante: Water Facilities: Environmental Bay Byway.**

This bill would require the Department of Water Resources to construct a waterway known as the "Environmental Bay Byway" for the purpose of providing water to central and southern California.

UPDATE: Passed by Assembly; referred to in Senate Committee on Agriculture and Water Resources on February 15, 1996.

**SB 129, Kelley: Water Recycling.**

This bill would create the Office of Water Recycling within the Department of Water Resources. The bill would require the office to provide assistance to any person seeking to further the development, distribution, or use of recycled wastewater; to work with the State Water Resources Control Board and other state agencies to promote the production and use of recycled water; and to provide information to update the state water plan.

UPDATE: Passed by the Assembly and Senate. Approved by the Governor on October 9, 1995. Chapter 699 of Statutes of 1995.

**SB 179, Kelley: Water Reuse Institute.**

This bill would appropriate \$50,000, from the General Fund to the University of California to establish a water reuse institute. The purpose of the institute is to enhance the orderly implementation of water reuse and recycling to maintain a sustainable environment for the benefit of California. The bill sets forth the institute's activities.

UPDATE: Passed by Assembly and Senate. Approved by Governor on August 11, 1995. Chapter 422 of Statutes of 1995.

**SB 572, Kelley: Waste Discharge Requirements.**

This bill authorizes the State Water Resources Control Board to prescribe waste discharge requirements at the Board's discretion.

**UPDATE:** Passed by Assembly and Senate. Approved by the Governor on August 10, 1995. Chapter 421 of Statutes of 1995.

**SB 649, Costa: Water Pollution.**

This bill would exempt from prosecution releases of currently prohibited materials into the waters of the State if parties making the releases hold a permit from the State Water Resources Control Board or a Regional Water State Control Board.

**UPDATE:** To enrollment on August 31, 1996.

**SCR 20, Appropriative Water Rights.**

This measure requests the State Water Resources Control Board to review the appropriative rights granted to the federal government pursuant to state law to determine the terms and conditions contained in water rights permits or licenses held by the federal government.

**UPDATE:** Passed by the Assembly and Senate. Approved by the Governor on September 12, 1995. Chapter 84 of Statutes of 1995.

**6. RECREATION AND ACCESS.**

**AB 347, Woods: Sportfishing: licenses.**

This bill allows landowners who have a lake or pond on their property to take fish from the lake or pond without a license. [NOTE: SB 892 is similar to AB 347.]

**UPDATE:** Passed by the Assembly and Senate. Approved by the Governor on October 9, 1995. Chapter 744 of Statutes of 1995.

**AB 1533, Cortese: General Obligation Bond for Parks and Recreation.**

This bill would authorize the sale of \$495 million dollars for park and recreation facilities throughout the State.

**UPDATE:** Last amended August 30, 1996 in Senate; Assembly refused concurrence in Senate amendments and reconsideration refused.

**AB 1594, Hannigan: Department of Boating and Waterways Marina Construction Loans.**

AB 1594 would allow Department of Boating and Waterways loans made to businesses for the construction of marinas to be expended within a four-year period instead of the existing three-year limitation imposed by the Government Code. The bill states that no more than \$34,400,000 can be transferred from the Harbors and Water craft Revolving Fund to the General Fund in accordance with Section 13.95 of the Budget Act of 1994. Lastly, AB 1594 provides \$1,700,000 to the Department for a loan for the Suisun City Marina.

UPDATE: Died in Assembly Committee on January 31, 1996.

**7. LEVEES.**

**AB 832, Woods: Reclamation Board: flood waters.**

This bill provides that a levee may be protected or strengthened in the case of emergency during flooding season if the levee or the immediately adjoining property is in danger of injury or destruction from flooding. [Current law does not include the protection of immediately adjoining property.]

UPDATE: Died in Assembly Committee on January 31, 1996.

**8. MARINE PATROL.**

**AB 742, Kuykendall: Boating Safety: lifeguard rescue.**

This bill includes the operation of offshore ocean lifeguard rescue vessels as a boating safety and enforcement program entitled to receive state financial aid for boating safety and enforcement programs for counties.

UPDATE: No action since January 31, 1996; hearing on January 16, 1996 cancelled.

**AB 749, Kuykendall: Operating Vessels Under the Influence.**

This bill makes it an infraction for a person under the age of 21 years to operate a motorized recreational vessel with a blood alcohol level of .01% or more. [Current law makes it an infraction to be operating a vessel under the age 18 with a blood alcohol level of .05%]

UPDATE: Passed by Assembly and Senate. Approved by the Governor on August 13, 1996.

**SB 893, Leslie: Harbors and Watercraft Revolving Fund.**

This bill requires the Department of Parks and Recreation to submit a report to the Legislature each year describing the allocation and expenditure of funds received from the Harbors and Watercraft Revolving Fund and the Motor Vehicle Fuel Account of the Transportation Tax Fund. The report must itemize the specific project or use, location, and amount of money allocated or expended, the source of funds allocated or expended, and the relation of the project or use to boating activities and facilities.

UPDATE: To enrollment on August 30, 1996.

**9. BILLS REGARDING FUNDING SOURCES.**

**AB 117, Knowles: Proposition 117: California Wildlife Protection Act of 1990.**

This bill would repeal Proposition 117 upon approval of the voters. The bill would restore unencumbered money transferred by the California Wildlife Protection Act to the Habitat Conservation Fund. The bill would also authorize taking mountain lions as game mammals under a license issued by the Department of Fish and Game for a \$1 fee. The revenue from the fee would be deposited into the Fish and Game Preservation Fund, a continuously appropriated fund.

UPDATE: Died in Assembly Committee on January 31, 1996.

**SB 749, Hayden: California Parks, Natural Resources, and Wildlife Bond Act of 1996.**

This bill would enact the California Parks, Natural Resources, and Wildlife Bond Act of 1996. If adopted, the bond act would finance a program for the acquisition, development, rehabilitation, enhancement, restoration, or protection of park, beach, wildlife, and natural resources. The amount of bonds issued would be \$300 million.

UPDATE: Returned to the Secretary of the Senate pursuant to Joint Rule 56 on February 1, 1996.

**SB 846, Thompson: State Coastal Conservancy: rivers, watersheds, and agricultural lands.**

This bill would authorize the State Coastal Conservancy to award grants to local public agencies and nonprofit organizations outside the coastal zone for the purpose of acquiring conservation easements to prevent the loss of agricultural land to other uses, and to assemble agricultural lands into parcels of adequate size permitting continued agricultural production. [Current law only authorizes the Conservancy to award grants to entities located inside the coastal zone.]

**UPDATE:** Passed by Senate and Assembly. Approved by the Governor on July 15, 1996. Chapter 166 of Statutes of 1996.

**SB 900 (Costa) Clean, Safe, Reliable Water Supply for Cities, Farms and the Environment Act of 1996.**

This bill would enact the Clean, Safe, Reliable Water Supply for Cities, Farms and the Environment Act of 1996.

**UPDATE:** Passed by Assembly and Senate. Approved by the Governor on July 11, 1996. Chapter 125 of Statutes of 1996.